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May 29, 2025

VIA ECF

The Honorable Analisa Torres
United States District Court
Southern District of New York
United States District Courthouse
500 Pearl Street
New York, NY 10007

Re: *Estate of Tamar Kedem Siman Tov, et al. v. UNRWA, et al.*
24 Civ. 4765 (AT): Defendants' Position on Plaintiffs' Request for Leave to
File Response

Dear Judge Torres:

We write on behalf of Defendants United Nations Relief and Works Agency for Palestine Refugees in the Near East (“UNRWA”), Philippe Lazzarini, Pierre Krähenbühl, Filippo Grandi, Leni Stenseth, Sandra Mitchell, Margot Ellis, and Greta Gunnarsdottir (collectively, “Defendants”), to provide Defendants’ position on Plaintiffs’ letter dated May 29, 2025 [ECF No. 63], by which Plaintiffs seek leave to respond by June 13 to Defendants’ response [ECF No. 62] to the Government’s most recent letter [ECF No. 59]. Defendants respectfully request that, if Plaintiffs’ request for leave to respond is granted, that the Court also grant Defendants leave to submit a reply brief by June 27, 2025.

Initially, we note that Defendants had sought in the interests of efficiency to avoid piecemeal applications by the parties (as are currently before the Court). On April 29, 2025, we requested that Plaintiffs’ counsel consent to a briefing schedule that would have provided (1) Defendants a response to the Government’s letter, (2) Plaintiffs a response to Defendants’ response, and (3) Defendants a final reply to Plaintiffs’ response. However, Plaintiffs rejected this proposal on the supposed grounds that a “full briefing schedule” was unnecessary. We therefore informed Plaintiffs that we would ask the Court only for leave to file a response to the Government’s letter, but, if Plaintiffs subsequently requested leave to file their own response (as they have now done), we would in turn request leave to file a reply.



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Plaintiffs thereafter never sought our consent to their present request, but instead submitted it directly to the Court without apprising the Court of Defendants' position on the briefing schedule. *Cf.* Individual Practices in Civil Cases, Rule I C (requiring parties to state in requests for extensions of time whether the adversary consents). As a result, the briefing schedule remains unresolved.

To the extent the Court is inclined to grant Plaintiffs' request to file a responsive brief, Defendants request that they also be granted leave to file a reply brief. Such a reply is necessary because the Government has raised numerous complex issues that differ substantially from those addressed in the parties' prior briefing. Given that this briefing relates entirely to Defendants' Motion to Dismiss, it is proper and consistent with standard practice that Defendants as the moving party have the final reply. This would also place Defendants on equal footing with Plaintiffs as they were granted leave to file two briefs in response to the Government's submissions, including a final sur-reply. [ECF Nos. 19 and 41].

Thus, without prejudice to Defendants' assertion of immunity and their position that this case should be immediately dismissed, Defendants respectfully request the opportunity to reply to Plaintiffs' response by June 27, 2025.

Defendants reserve all rights, defenses, privileges and immunities and waive none. For the avoidance of doubt, neither this letter nor the appearance of defense counsel should be construed as a waiver of any kind.

Respectfully,

/s/ Kevin A. Meehan

Kevin A. Meehan